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Counsel for Defendant Verge Agency, Inc.

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

N.Z., R.M., B.L., S.M., and A.L., individually and on behalf of themselves and all others similarly situated.

Plaintiffs.

VS.

FENIX INTERNATIONAL LIMITED,
FENIX INTERNET LLC, BOSS
BADDIES LLC, MOXY
MANAGEMENT, UNRULY
AGENCY LLC (also d/b/a DYSRPT
AGENCY), BEHAVE AGENCY LLC,
A.S.H. AGENCY, CONTENT X, INC.,
VERGE AGENCY, INC., AND ELITE
CREATORS LLC.

Defendants.

CASE NO. 8:24-cv-01655-FWS-SSC

**DEFENDANT VERGE AGENCY,
INC.'S MOTION FOR LEAVE TO
APPEAR TELEPHONICALLY**

Date: February 6, 2025
Time: 9:00 a.m.
Crtrm.: 10D

Assigned to Hon. Fred W. Slaughter

In accordance with the Court’s standing requirements for hearings, Defendant Verge Agency, Inc. (“Verge”) submits Defendant Verge Agency, Inc.’s Motion for Leave to Appear Telephonically (“Motion”) for the Scheduling Conference and Hearing on Motions in this matter set for February 6, 2025, at 9:00 am and 10:00 am respectively. In support, Verge shows the following:

1 **I. BACKGROUND**

2 Defendants Fenix International Limited and Fenix Internet, LLC (collectively,
3 “Fenix Defendants”) previously filed a Motion to Dismiss for Forum Non Conveniens
4 (ECF No. 60) and Motion to Compel Plaintiffs to Proceed in Their Real Names (ECF
5 No. 61) (collectively, “Fenix Defendants’ Motions”) on October 25, 2024. Plaintiffs
6 filed Oppositions to Fenix Defendants’ Motions on November 27, 2024. (ECF Nos.
7 84–85). Fenix Defendants filed Replies in Support of Defendants’ Motions on
8 December 27, 2024. (ECF Nos. 95–96).

9 By stipulation, the Court initially scheduled oral argument on the Fenix
10 Defendants’ Motions for January 30, 2025 at 10:00 a.m. (ECF No. 71). In addition, the
11 Court scheduled a Rule 26(f) Scheduling Conference in this matter for February 6,
12 2025, at 9:00 a.m., in Courtroom 10D. (ECF No. 69).

13 Fenix Defendants and Plaintiffs later stipulated (without objection) to
14 continuance of the hearing on the Fenix Defendants’ Motions from January 30, 2025,
15 to February 6, 2025, due to conflicting engagements of counsel. (ECF. No. 98).Based
16 this Stipulation, the Court subsequently continued the hearing on the Fenix
17 Defendants’ Motions to February 6, 2025, at 10:00 am in Courtroom 10D. (ECF No.
18 99).

19 **II. RELIEF REQUESTED**

20 Due to preexisting travel and professional commitments, Verge’s counsel is
21 unable to travel to participate in-person for February 6, 2025 hearings as currently
22 schedule. Counsel thus respectfully requests leave from the Court to attend these
23 hearings via remote methods.

24 Granting such a request would conserve resources and should not have any
25 adverse impact on the Court’s proceedings. Counsel for Verge has conferred with
26 Plaintiffs’ counsel who is unopposed to the relief sought by this Motion.

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28 //

III. CONCLUSION

Verge respectfully requests that the Court grant this Motion and permit counsel for Verge to appear at the Rule 26(f) Conference and hearing on Fenix Defendants' Motions remotely currently set for February 6, 2025.

Respectfully submitted,

DATED: January 31, 2025

CONSTANGY, BROOKS, SMITH & PROPHETE, LLP

By: /s/ Younjin (Jennifer) Lee
Allen Sattler
Younjin (Jennifer) Lee
Brent Sedge

Counsel for Defendant Verge Agency, Inc.

CERTIFICATE OF SERVICE

I am over 18 years of age and not a party to this action. I am employed in the County of Orange County, State of California. My business address is 3420 Bristol Street, 6th Floor, Costa Mesa, CA 92626.

On January 31, 2025, I caused to be served a true copy of the document(s) entitled:

**DEFENDANT VERGE AGENCY, INC.'S MOTION FOR LEAVE TO
APPEAR TELEPHONICALLY**

on all individuals as indicated on the Court's ECF System.

BY ELECTRONIC TRANSMISSION: By causing the document(s) to be transmitted by the Court's PACER filing system to the e-mail addresses of the individuals as indicated above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on January 31, 2025, in Costa Mesa, California.

/s/ Younjin Lee
Younjin (Jennifer) Lee